

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-4
AGENDA DATE: Thu 06/23/2005
PAGE: 1 of 1**

SUBJECT: C14H-05-0007 – Brown's Flower Shop. Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4301 Avenue A from family residence, neighborhood conservation (SF-3-NCCD) combining district to family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic- neighborhood conservation (SF-3-H-NCCD) combining district zoning. Planning Commission Recommendation: To deny family residence-historic-neighborhood conservation (SF-3-H-NCCD) combining district zoning. Applicant: Historic Landmark Commission. Owners: Mike and Jeanette Freitag. Agent: Dallas Grant. City Staff: Steve Sadowsky, Historic Preservation Office, Neighborhood Planning and Zoning Department, 974-6454.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Alice Glasco

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-05-0007

HLC DATE: March 28, 2005
April 25, 2005

PC DATE: June 14, 2005

AREA: 5,615 square feet

APPLICANT: Historic Landmark Commission

HISTORIC NAME: Brown's Flower Shop

WATERSHED: Waller Creek

ADDRESS OF PROPOSED ZONING CHANGE: 4301 Avenue A

ZONING FROM: SF-3-NCCD

ZONING TO: SF-3-H-NCCD

SUMMARY STAFF RECOMMENDATION: Staff recommends the preservation of the shop as an important part of the historic fabric of Hyde Park and recommends that the applicant preserve the flower shop and incorporate it into the plans for the new house as an accessory building. Staff would recommend historic zoning for the flower shop to encourage its preservation. If historic zoning is not approved for the flower shop, then staff recommends photo-documentation of the building and greenhouse for archiving at the Austin History Center.

HISTORIC LANDMARK COMMISSION ACTION: March 28, 2005: Initiated a historic zoning case. April 25, 2005: Recommended a zoning change from single-family residence, neighborhood conservation combining district zoning (SF-3-NCCD) to single-family residence, neighborhood conservation – Historic (SF-3-H-NCCD) combining district zoning. Vote: 3-1 (Hansen opposed; Leary, Limbacher and West absent).

PLANNING COMMISSION ACTION: Did not recommend the proposed zoning change from single-family residence, neighborhood conservation combining district zoning (SF-3-NCCD) to single-family residence, neighborhood conservation – Historic (SF-3-H-NCCD) combining district zoning, with the condition that the property owner work with staff to incorporate the design elements of the parapet and sign into the proposed garage for the site. Vote: 7-0 (Galindo absent).

DEPARTMENT COMMENTS: The building is listed in the Comprehensive Cultural Resources Survey (1984), but without a preservation priority. It is outside the bounds of the Hyde Park National Register Historic District. The building is in poor condition. The Hyde Park Neighborhood Association has been split on supporting landmark designation for the property.

CITY COUNCIL DATE: June 23, 2005

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Hyde Park Neighborhood Association.

BASIS FOR RECOMMENDATION:

ARCHITECTURE

The ca. 1931 Brown's Flower Shop building is a simple one-story rectangular-plan flat-roofed commercial structure with stucco walls and stepped parapet.

HISTORY OF THE PROPERTY

The current buildings were constructed around 1931 for Brown's Flower Shop, operated by Joe Brown. Brown built the store and greenhouse at the northeast corner of 43rd Street and Avenue A, and his residence (406 W. 43rd Street) just to the east. Brown had been manager and president of the Riverside Floral Company on Barton Springs Road prior to opening his own flower shop in Hyde Park in 1931. He and his family ran the business as Brown's Flower Shop for over 70 years, and the business has become a landmark in the Hyde Park neighborhood.

PARCEL NO.: 02210507010000

DEED RECORD:

LEGAL DESCRIPTION: Lots 15 and 16, Block 11, Hyde Park Addition No. 1

ANNUAL TAX ABATEMENT: \$3,174 (owner-occupied rate). City tax abatement: \$835.

APPRAISED VALUE: \$244,609

PRESENT USE: Vacant

CONDITION: Poor.

PRESENT OWNER

Mike and Jeanette Freitag
6821 Old Quarry Lane
Austin, Texas 78731

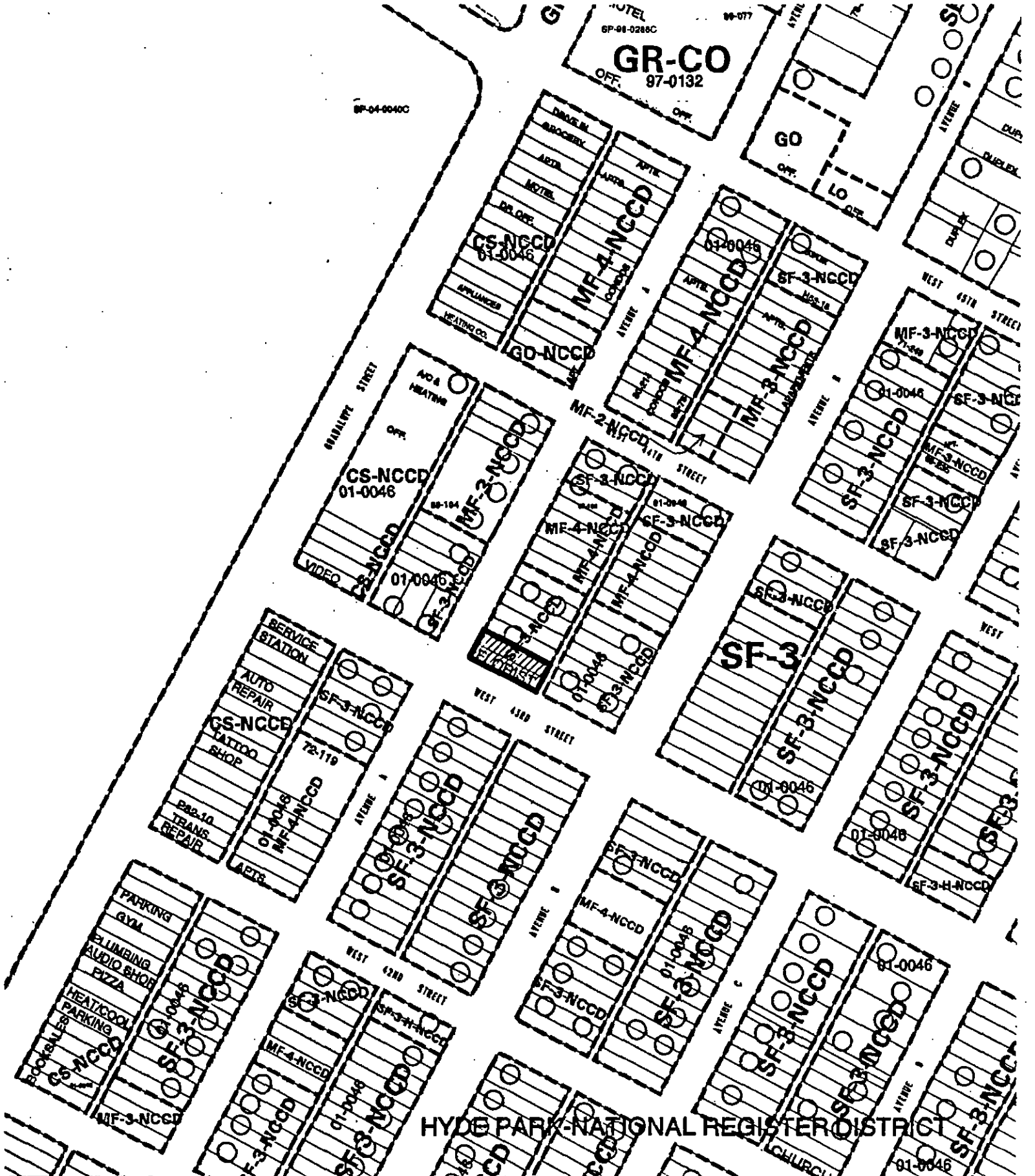
DATE BUILT: ca. 1931

ALTERATIONS/ADDITIONS: None.





ORIGINAL OWNER(S): Joe Brown (1931)

OTHER HISTORICAL DESIGNATIONS:

The building is listed in the Comprehensive Cultural Resources Survey (1984) but without a preservation priority.



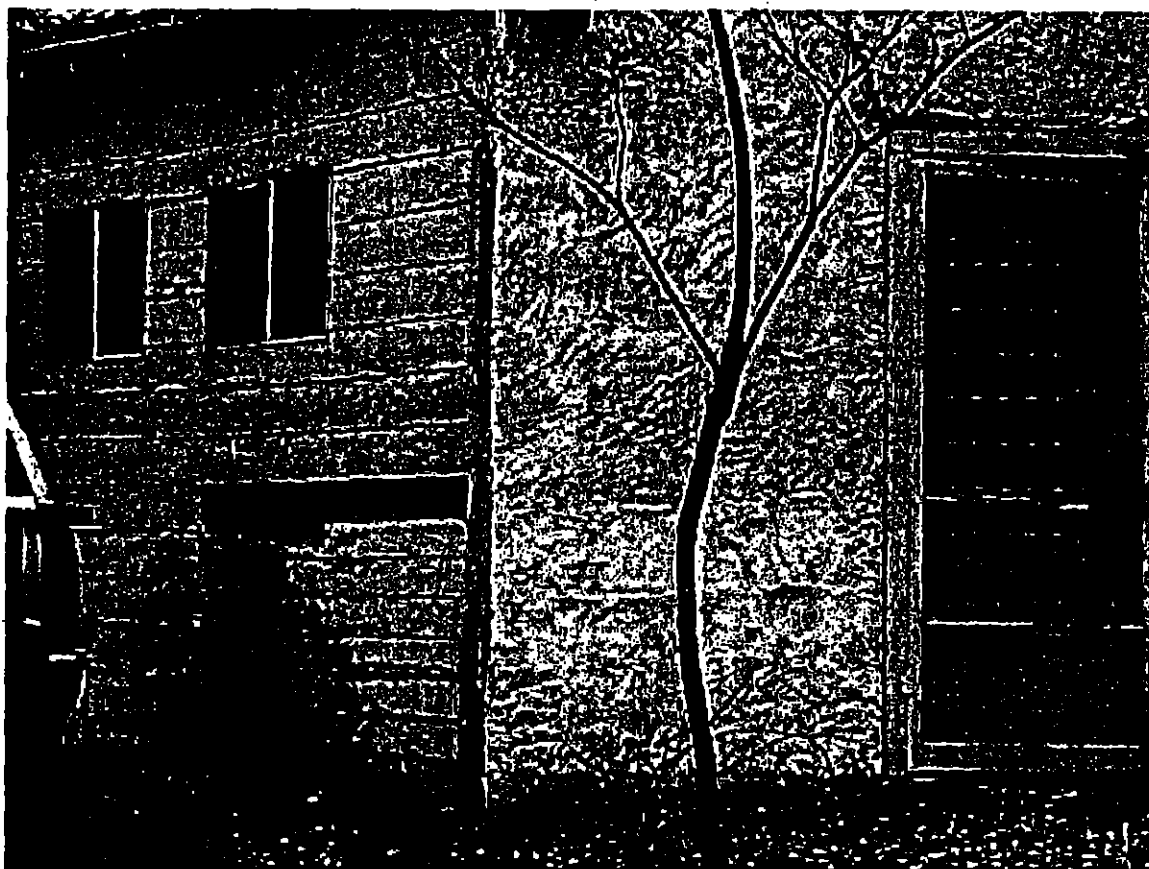
HYDE PARK NATIONAL REGISTER DISTRICT

 1" = 200'	SUBJECT TRACT		HISTORICAL DEMOLITION PERMIT		CITY GRID REFERENCE NUMBER J25
	PENDING CASE		CASE #: HDP-05-0060		
	ZONING BOUNDARY		ADDRESS: 4301 AVENUE A		
	CASE MGR: S. SADOWSKY		DATE: 05-02		
	SUBJECT AREA (acres): N/A		INTLS: SM		



Brown's Flower Shop

4301 Avenue A



Brown's Flower Shop

4301 Avenue A

View showing deterioration of siding on north side
of building and stucco on west side.

OCCUPANCY HISTORY 4301 AVENUE A

**From City Directories
Austin History Center
Prepared by City Historic Preservation Office
March, 2005**

1975	Brown's Flower Shop
1969	Brown's Flower Shop
1965	Brown's Flower Shop
1960	Brown's Flower Shop
1957	Brown's Flower Shop
1954	Brown's Flower Shop
1952	Brown's Flower Shop
1949	Brown's Flower Shop
1947	Brown's Flower Shop
1944-45	Brown's Flower Shop
1942	Brown's Flower Shop
1940	Brown's Flower Shop
1937	Brown's Flower Shop
1935	Brown's Flower Shop
1932-33	Brown's Flower Shop

**1930-31 W. Allen and Alma Mozingo (owners)
Lineman, City Water and Light Department**

**NOTE: Mozingo resided in the house shown on the 1922
Sanborn map; the house was removed for the current buildings.**

NOTE: Joseph W. Brown is listed as the president and manager of the Riverside Floral Company; the company and his home are listed as being on the north side of Barton Springs Road, 3 houses west of South Congress Avenue.

1921

93
ADDL SHEET
DEC. 82

SCALE 100 FT TO AN INCH

440

0

GUADALUPE

AVENUE

AVENUE

AVENUE

W. 8TH

ST.

W. 7TH

ST.

W. 6TH

ST. 9

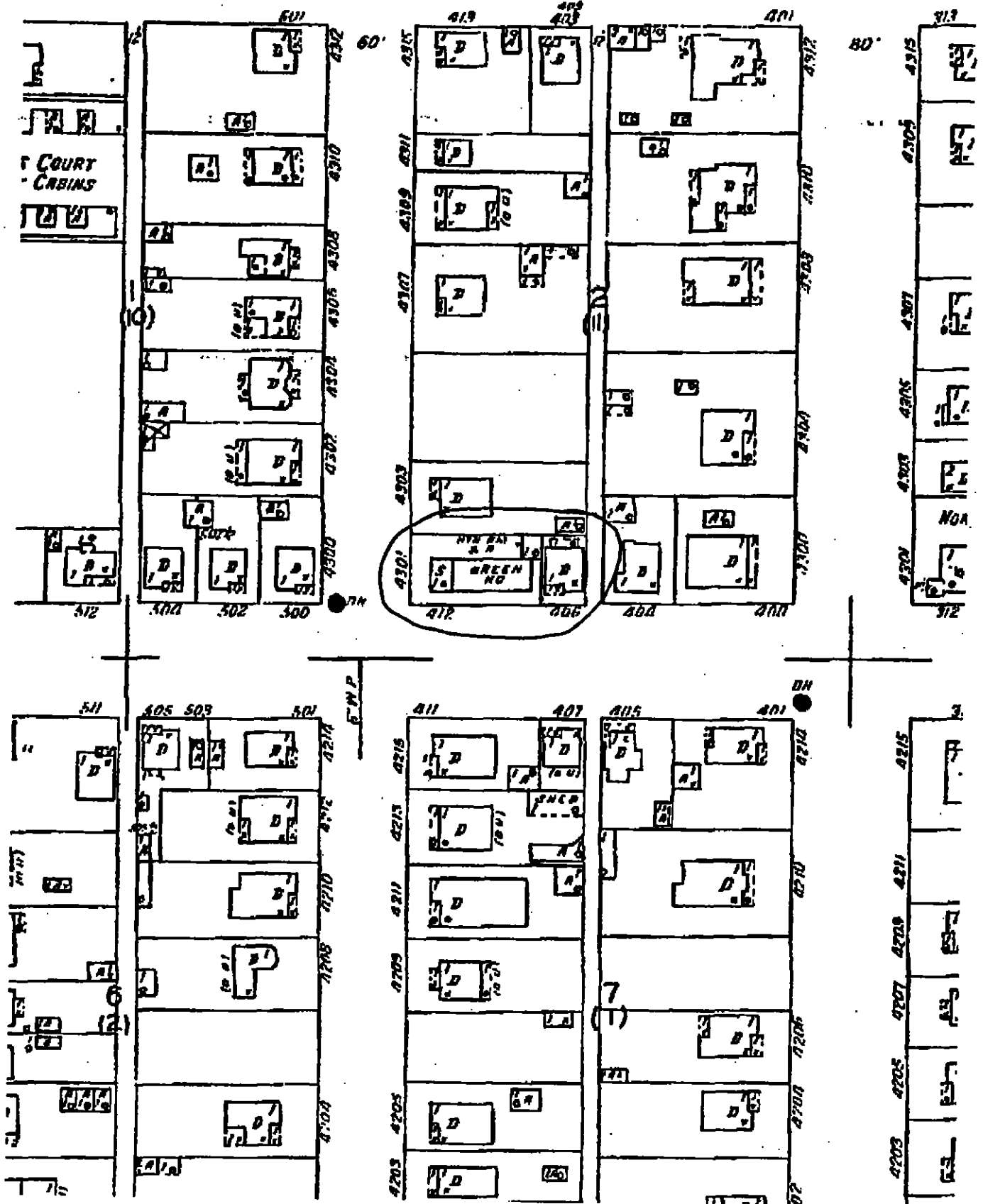
W. 5TH

ST.

SITE OF
BROWN'S FLOWER SHOP

16

1935





AZTEC ASSOCIATES, INC

CONSULTING ENGINEERS

1103 RED CLIFF DRIVE

AUSTIN, TEXAS 78758

(512) 719-9094
FAX (512) 719-9095

March 28, 2005

Mike and Jeannette Freitag, Owners
c/o Dallas Grant Construction
P. O. Box 4707
Austin, TX 78765

Re: Engineer's Visual Structural Inspection of Structures -
4301 Avenue A / Austin, Texas

Dear Mr. and Mrs. Freitag and Dallas Grant:

This Engineer's Inspection report is written in response to your recent request that we conduct an Engineer's Visual Structural Inspection of the Referenced property. Aztec Associates, Inc. and the undersigned Professional Engineer are duly licensed in Texas to perform such inspections and report our findings.

The inspection performed is a visual Structural Assessment, which utilizes engineering experience and training in evaluating observable aspects of the permanent structural improvements of a property. It also is known as a Level A Engineer's Assessment. No invasive methods were used and there were no original construction plans or specifications provided for our review.

According to public records the referenced property buildings were constructed in 1918, when this area existed beyond the city limits. These buildings are not occupied and no electric, water or gas utility services are connected. Based on poor physical conditions and obvious substandard conditions and my personal awareness of the long term vacancy of the property, I concluded that it has not been occupied for several years; certainly its physical disrepair is not conducive to occupancy and use judged by normal standards.

In the interest of best portraying physical conditions and limiting the use of mere words to describe my observations I have incorporated photographs taken 3/24/05 and shown in the Photo Appendix herein. These photos show the westerly (corner) 1-story building (operated as Brown's Flower Shop) in Photos 1-3. The easterly 2-story dwelling is pictured in Photo 4 (along with the east end of the plant greenhouse attached to the flower shop building). Photo 5 shows a view along the driveway between the greenhouse and dwelling, of a poorly constructed and dilapidated garage/storeroom building.

In engineering and construction circles, buildings generally are evaluated as serviceable and/or economically repairable based on the structural acceptability or repairability of the foundation. In the case of the 1-story stucco "shop" building, the foundation is a concrete slab-on-ground (of poor concrete finish and at various different finished floor elevations). Although I did not invade the building interior walls to confirm, I believe that the building originally was constructed as a pier-supported structure with interior pier/beam wood floors, and at some time—when interior floor structure had deteriorated—then the floor debris was removed and replaced with the present non-reinforced concrete which was generally spread (in different "pours" within the various rooms. Conditions of 3 separate floor heights are shown in Photo 6, and a major crack and separation in the main (larger) floor concrete is shown in Photo 7. This "floorslab", according to my interpretation of its genesis, is not supporting the building in any sort of stable or dependable manner but rather original cedar post provide pier support, and the slab simply is "in-place. The floorslab being unreinforced, is too fragile to be pier-supported (for stability or leveling) on retrofitted foundation piers; it is substandard, not repairable, and has failed.

The "greenhouse" building is a lightweight 2x4 roof structure, supported on low perimeter walls and a series of 2" and 3" steel pipe columns set in concrete footings. Photo 8 shows patches-on-patches of a joint in the front face of the shop wall where the greenhouse joins onto the stucco shop building; the meandering vertical separation gap testifies to the fact that there is (and had been) relative movement between the 2 structures. Photos 9 and 10 show the rusted and disintegrated status of the larger (3") and better-footed interior support pipe columns which hold up and stabilize the greenhouse. Other components of the roof structure are constructed in a way that never conformed with any building code and are not repairable to meet code, but could be totally demolished and re-built. There is no structural elevation above exterior yard grade (as shown in Photo 11), such that exterior storm water easily can flow into the lower elevation rear floor of the "shop" and into the greenhouse. Perhaps that is not to be condemned for a greenhouse but repeated moistening of wood-frame support walls both in the shop and greenhouse leads to deteriorated wood and conditions conducive to mold and termites.

The 2-story dwelling also is a pier-beam supported structure; over the years it has "settled" on its cedar post pier foundation so as to be lower by approximately 5 inches than a previously-built concrete Front Entry Stoop. The typical horizontal floor sill beams (supported by piers) have deteriorated (because of close proximity to soils and moisture from roof storm water run-off-and-back-splatter). Photo 12 shows totally deteriorated wood at the House left front (southwest) corner, where the wood siding is totally rotted away to expose the location of a wood 4x6 sill beam which also has rotted away. Consequently this house foundation has settled non-uniformly and there is a 7" elevation (levelness/flatness) variation within this 4 -room lower floor residence.

Access to the 2nd level apartment is via a poorly-attached steel stairway that was home-built of inadequate steel (built for different, less steep application) and "kluge-ed" onto the alley-exposure of this building. These conditions show in Photos 13 (the stairway)

and 14 (non-safe handrail of stairway and missing/dangerous guardrail of porch). On the rear (north) of the 2-story building is/was a "lean-to" shed of corrugated sheet metal roofing, supported on whitewashed posts (which also supported a privacy fence). All these have collapsed as seen in Photo 15.

Within the 2-story dwelling are numerous evidences of long-term roof leaks (Photos 16, 19, 21 and 22). Interior unsafe conditions include (one of several) exposed, loose-wire electric extension receptacles (Photo 23) and a section of totally-rotted ceiling structure, which also is the floor for the 2nd level Apartment above (Photo 24).

The "garage/storage" building built against the north property line, leans over the line and is off-vertical by 9" in 7 ½ ft.... and walls are non-salvageable in my opinion; these conditions are shown in Photos 17 and 18.

There may be a variety of other considerations which influence decisions regarding use, stability, economic feasibility of repair (to minimum standards, etc); however, from an engineering assessment, this collection of "structures" clearly has failed, is hazardous to persons on the premises and is in danger of collapse. I urge that Owners move quickly to either demolish buildings and clear the lot and/or to enclose the property with a security fence and proper postings, to prevent passage among the buildings by curious persons or pets. There is no scenario I can imagine under which it would be even close to "economic", to repair, rebuild, secure or otherwise safely return these buildings to their former appearance and functional status, and to meet even the spirit of current Building Codes in the City of Austin, TX.

CONDITIONS OF THIS REPORT

The foregoing is based on my personal observations and interpretations of conditions visibly available during my referenced personal inspection; this report was prepared to independently document the structurally relevant conditions, which I directly observed or reasonably could infer, based on my professional experience interpreting building structural and foundation capabilities. In the absence of builder plans showing foundation construction levelness and details of construction, I have assumed that the buildings were constructed of wood frame "balloon" construction, and that the foundation initially was flat and level within new construction tolerances of that era.

As a Professional Engineer, I hereby certify that I have conducted this inspection in a fair and unbiased manner and that am independent of potential conflict in that I do not have any ownership in this property or personal connection with any of the parties or firms involved or any known role in any future work to be conducted there. I have developed informed opinions based on conditions I observed in this inspection, but I could not take account of detailed conditions, which I could not visually observe or learn about, within the limited scope of my non-intrusive visual-only observer's role. Accordingly, I am confident that my observations and opinions described in this report should be useful, but do not represent a guarantee, express or implied, as to completeness of discovery of all conditions which may be present but not knowable, and which also may be relevant.

March 28, 2005

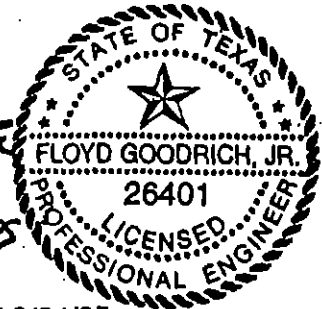
This generalized report is intended to explain structurally relevant conditions in a fair and non-biased perspective within my capabilities; however, I urge that any party having a potentially adverse interest in these findings or interpretations, to not base financial decisions solely on this report but to engage and instruct his own specialized (perhaps invasive?) inspector(s) to report on any specific concerns.

This Level A visual inspection report provides only a summary of current structural status for these buildings, which may be of interest to various parties in considering useful and wholesome alternatives for the property. If additional information becomes known which could bear on structural status, please provide such to this engineer for evaluation to determine if it affects our conclusions and recommendations.

Sincerely
AZTEC ASSOCIATES, INC.

Floyd Goodrich, Jr.

Floyd Goodrich, Jr.
Professional Engineer

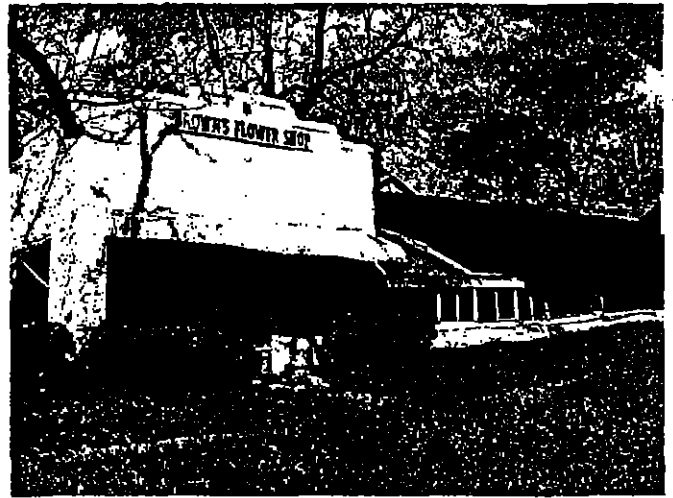


Attachments: Photo Appendix - 24 Photos of Conditions Observed 3/24/05

PHOTO APPENDIX



1



2



3



4



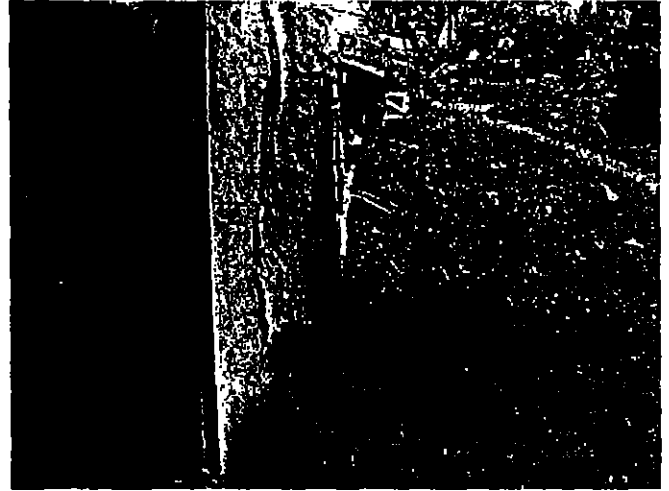
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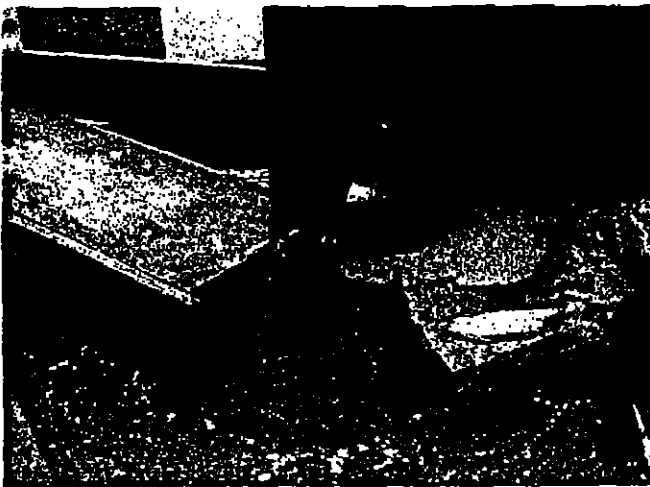
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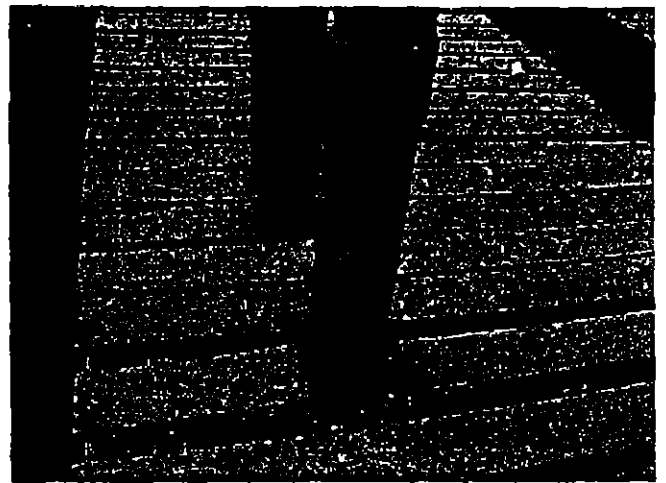
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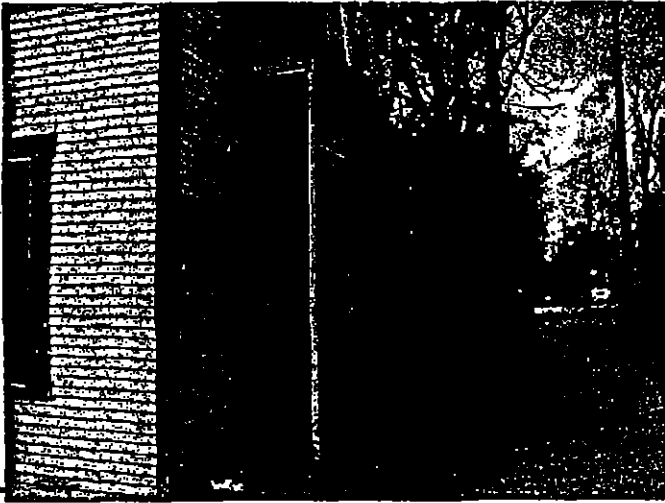
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11



12



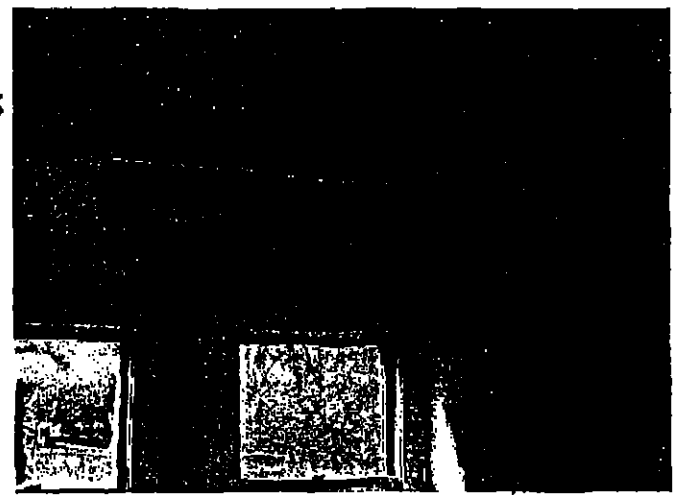
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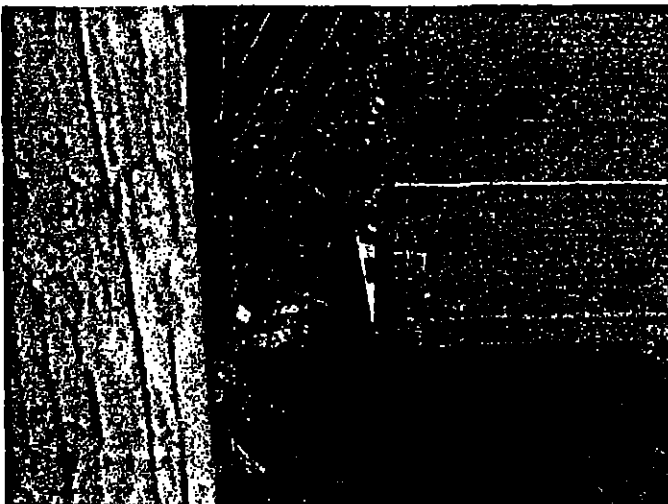
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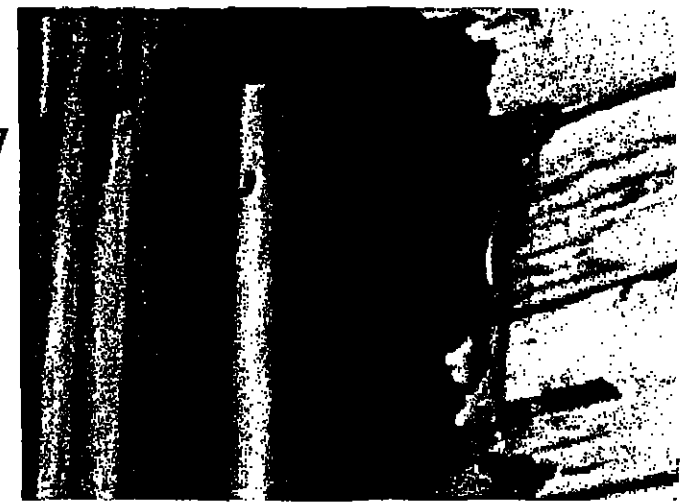
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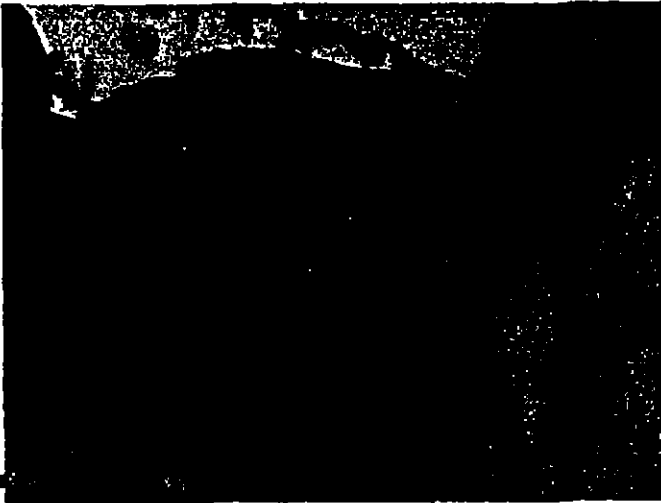
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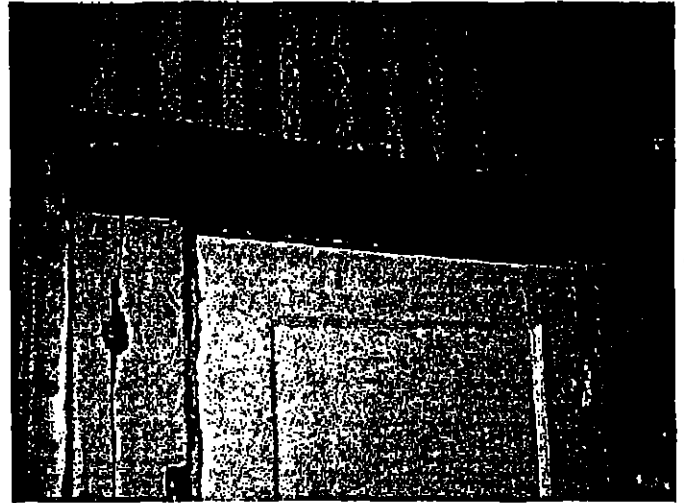
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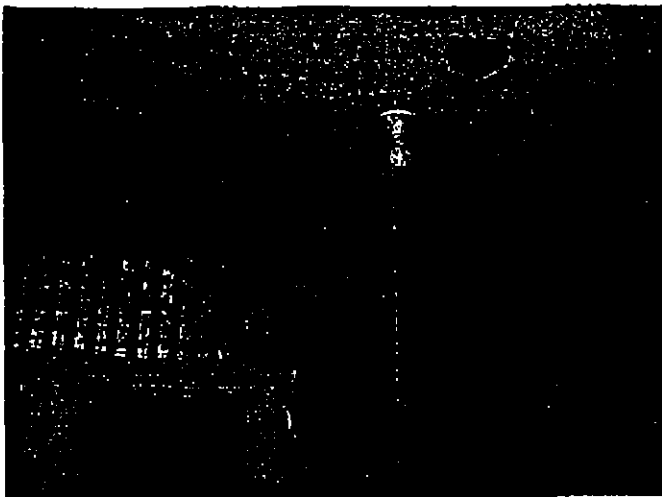
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19



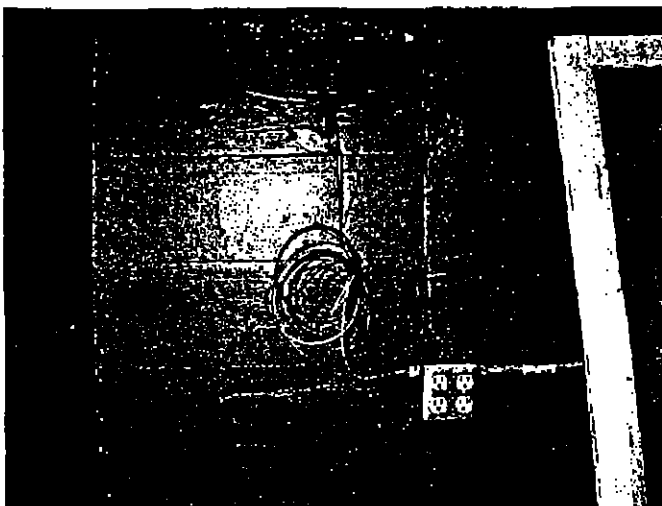
20



21



22



23



24

Sadowsky, Steve

From: Karen McGraw [mcgrawka@earthlink.net]
Sent: Sunday, March 27, 2005 2:36 PM
To: lisa.laky@atcmhmr.com; pbhall@arl.ut.utexas.edu; dleary@mail.utexas.edu; Laurie Limbacher; jmath531@aol.com; dwest@shoehomdesign.com; buntorrocha@aol.com
Cc: Sadowsky, Steve
Subject: Brown's Flower Shop

Members of the Historic Landmarks Commission,

Re: Brown's Flower Shop Building in Hyde Park

I am writing to share the concerns and sentiments of members of the Hyde Park Planning Team and other neighbors I have heard from regarding the fate of the Brown's Flower Shop buildings in Hyde Park.

The Hyde Park Neighborhood Plan (adopted April 13, 2000) states in Chapter 1 :

Goal 1 - PRESERVE AND ENHANCE THE UNIQUE HISTORIC AND RESIDENTIAL CHARACTER OF HYDE PARK.

Chapter 1 goes on to recommend the following; that historic structures be retained, that City codes support historic patterns, that traditional civic and commercial uses should be maintained and a special note that

"Nonconforming uses which have been in existence for a long time and which serve neighborhood residents should be allowed to remain and to be improved, although not expanded. This is to preserve neighborhood services (Ave B Grocery, Brown's Flowers) that are non-conforming uses."

I think we all know that the buildings are in very poor condition. Nonetheless, there is great sentiment to retain at least some of the historic fabric of these buildings that have been part of Hyde Park for nearly a century.

In the last couple of years, since the flower shop closed, a few potential buyers have contacted me to consider how the property might be used. At least one of the businesses would have used the greenhouse structure to grow herbs for a healing practice. To date no one has followed through with an offer of commercial use but I do not know the reasons for this.

3/28/2005

I think if there is any way to retain the storefront and possibly a part of the green house or reconstruct the greenhouse in a sympathetic form, the use of the property for commercial purposes would be the desire of many neighborhood residents. Maintaining this landmark both saves a traditional commercial site that is a remnant of days when there were many small businesses on corner lots in Hyde Park, and provides convenient business services to its current residents.

I do not know if a business can once again be located at this site under the current SF3 zoning or whether new zoning would be required. Should new zoning be required, I am confident that neighbors would work to craft the kind of zoning that allows a business to operate while respecting the historic fabric and the single family development surrounding this site.

We appreciate your consideration of this matter and will assist in any way to find a means of preserving this landmark for future generations.

Karen McGraw AIA

Chairman, Hyde Park Planning Team

4315 Avenue C

Austin, Texas 78751

459-2261

452-4139 (fax)

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (it may be delivered to the contact person listed on a notice); or
- appearing and speaking for the record at the public hearing; and
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintx.us/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number(s): HDP-05-0060

Contact: Steve Sadowsky, (512) 974-6454

Public Hearing:

March 28, 2005 Historic Landmark Commission

Florence McKeeney

Your Name (please print)

4814 Avenue B, Austin, 78751

Your address(es) affected by this application

Therrell McKeeney

Signature

3/26/05

Date

Comments:

DEMOLITION OF THE PRESENT

STRUCTURE IS WELCOME.

REPLACEMENT STRUCTURES

WILL HAPPFULLY ALSO BE

A CONSIDERATION. PLEASE

KEEP ME, AND JOHN (SPOUSE)

INFORMED.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Steve Sadowsky

P. O. Box 1088

Austin, TX 78767-8810

<input checked="checked" type="checkbox"/> I am in favor
<input type="checkbox"/> I object